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Trump Ruffin Commercial LLC and
Trump Ruffin Tower I LLC*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

TRUMP RUFFIN COMMERCIAL LLC,
and TRUMP RUFFIN TOWER I LLC

Plaintiffs,

v.

LOCAL JOINT EXECUTIVE BOARD LAS
VEGAS, CULINARY WORKERS UNION
LOCAL 226, and BARTENDERS UNION
LOCAL 165,

Defendants.

Case No.: 2:15-cv-01984

COMPLAINT

(JURY DEMAND)

Plaintiffs, TRUMP RUFFIN COMMERCIAL LLC and TRUMP RUFFIN TOWER I
LLC (collectively, "Plaintiffs" or "Trump Hotel Las Vegas"), by and through its attorneys, allege
the following:

Jurisdiction and Venue

1. This action arises under the Federal Trademark Act of 1946, 15 U.S.C. § 1051, *et*
seq., as amended (the "Lanham Act") and the Nevada Deceptive Trade Practices Act, N.R.S. §§

1 598.0903-598.990. This Court has subject matter jurisdiction over this action under 28 U.S.C.
2 §§ 1331 and 1338(a), and has supplemental jurisdiction over the state law claim stated herein
3 under 28 U.S.C. § 1367.

4 2. This Court has personal jurisdiction over the Defendants in that this action arises
5 from their transaction of business within this judicial district.

6 3. Venue is proper in this Court pursuant to 28 U.S.C. §1391(b) in that Defendants
7 transact business in this District and/or a substantial part of the events or omissions giving rise to
8 the claims herein occurred in this judicial district.

9 **The Parties**

10 4. TRUMP RUFFIN COMMERCIAL LLC is a limited liability corporation
11 organized and existing under the laws of the State of Nevada and operates the Trump Hotel Las
12 Vegas located at 2000 Fashion Show Drive Las Vegas, NV 89109.

13 5. Plaintiff TRUMP RUFFIN TOWER I LLC is a limited liability corporation
14 organized and existing under the laws of the State of Nevada and is the owner of the building at
15 which the Trump Hotel is located at 2000 Fashion Show Drive Las Vegas, NV 89109.

16 6. Defendants CULINARY WORKERS UNION LOCAL 226, BARTENDERS
17 UNION LOCAL 165, and LOCAL JOINT EXECUTIVE BOARD LAS VEGAS (“Defendants”
18 or “Union”) are unincorporated associations, commonly referred to as Unions and do business at
19 1630 S. Commerce Street, Las Vegas, NV 89102.

20 **Facts Common to all Counts**

21 **Trump Hotel Las Vegas**

22 7. Trump Hotel Las Vegas is a luxury hotel and condominium in Las Vegas. Each
23 room contains floor-to-ceiling windows offering sweeping, panoramic views of the city set
24 against a majestic backdrop of the surrounding mountains. Since it opened in 2008, Trump
25 Hotel Las Vegas has served as a 5-star hotel, and has developed a tremendous and valuable
26 reputation as a world-class destination, with luxury accommodations and service. Among the
27 many accolades Trump Hotel Las Vegas has received are that it was named by USA Today as
28 the “Best Bet in Vegas” in 2012 and was listed on Travel + Leisure’s list of “World’s Best

1 Business Hotel Awards” in 2011.

2 8. Donald J. Trump is one of the developers and owners of Trump Hotel Las Vegas.
3 Mr. Trump is the very definition of the American success story, continually setting the standards
4 of excellence while expanding his interests in real estate, sports, and entertainment. He is the
5 archetypal businessman — a deal maker without peer. Mr. Trump is a world famous individual,
6 and his name is synonymous with fame, fortune and luxury.

7 9. Mr. Trump is the owner of, among other things, the TRUMP® trademark for use
8 in connection with hotel services, as well as United States Trademark Registration No.
9 2,240,310 for the mark. Mr. Trump licenses the TRUMP trademark to the Trump Hotel Las
10 Vegas. Mr. Trump’s association with Trump Hotel Las Vegas is critical to its goodwill and
11 financial success. Plaintiffs are licensees of the TRUMP trademark.

12 10. From October 7, 2015 to October 8, 2015, Mr. Trump visited Las Vegas. Mr.
13 Trump stayed at the Trump Hotel Las Vegas during his stay.

14 11. On or about October 8, 2015, Mr. Trump gave a speech related to his candidacy to
15 be the Republican nominee for President of the United States. Due to overwhelming public
16 demand to attend the speech, Trump Hotel Las Vegas did not have a space large enough to host
17 the event. Thus, Mr. Trump’s speech took place at the Treasure Island Hotel.

18 12. Defendants are unions that are currently in a dispute with Trump Hotel Las Vegas
19 and have engaged in a wide variety of public actions designed to call attention to the dispute.
20 Many of the Defendants’ efforts, like those complained of here, contain misrepresentations of
21 fact. One such additional example is the Union’s repeated pronouncement that “over 500 Trump
22 Las Vegas employees are seeking to unionize.” Although the Union has made this a rallying cry,
23 the Union is fully aware that this number is an unsupported exaggeration as that number
24 represents almost the entirety of Trump Hotel Las Vegas’ workforce and many of the just over
25 500 total Trump Hotel Las Vegas’ employees are not in favor of the Union (as is demonstrated
26 by the website www.trumpunionfree.org and many public statements from Trump Hotel Las
27 Vegas employees who are not in favor of a union).

28 13. In an attempt to damage the reputation of Trump Hotel Las Vegas, Defendants

1 published and circulated a flyer which falsely stated that Mr. Trump stayed at the Treasure Island
2 Hotel on October 8, 2015, and **not** Trump Hotel Las Vegas (“Flyer”). A copy of the Flyer is
3 attached as Exhibit A.

4 14. The statement made in the Flyer that Mr. Trump did not stay overnight at Trump
5 Hotel Las Vegas was false.

6 15. In publishing the Flyer and falsely stating that Mr. Trump did not stay overnight
7 at Trump Hotel Las Vegas, Defendants communicated to the public that the quality of the
8 accommodations of Trump Hotel Las Vegas was not “good enough” for Mr. Trump, such that he
9 personally chose to stay at another property in Las Vegas and not Trump Hotel Las Vegas.

10 16. The Flyer therefore conveys false and deceptively misleading information about
11 Trump Hotel Las Vegas and the quality of the services that it provides that was intended to, and
12 would have the tendency to cause, harm to the reputation of Trump Hotel Las Vegas.

13 17. On October 9, 2015, counsel for Trump Tower Las Vegas notified Defendants
14 about the false statement and deceptively misleading communication contained in the Flyer and
15 requested that Defendants cease and desist from making such false statements.

16 18. The Union has acknowledged that the Flyer contained an incorrect statement of
17 fact, but has not taken or agreed to take any corrective action. In fact, the Union continues to
18 publish the Flyer and the false and deceptively misleading statements contained therein via a
19 television clip being transmitted and distributed on and through its web site. A copy of the
20 Union’s website showing the Flyer is attached as Exhibit B.

21 19. While Defendants are entitled to a certain level of free speech, such rights do not
22 include, among other things, publishing false and/or deceptively misleading information that will
23 mislead the public regarding the quality of services a business provides, or otherwise impugns a
24 business’ goodwill and reputation. *See e.g., San Antonio Cmty. Hosp. v. S. California Dist.*
25 *Council of Carpenters*, 125 F.3d 1230 (9th Cir. 1997) (union enjoined from posting banner
26 stating that “THIS MEDICAL FACILITY IS FULL OF RATS” when union conceded the
27 hospital did not have a rodent problem).

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COUNT I

Federal False Advertising

20. Trump Hotel Las Vegas repeats and re-alleges paragraphs 1 through 19 of this Complaint as if fully set forth herein.

21. The Flyer has been and is being circulated and transmitted to the public in commerce by Defendants.

22. Defendants' false and deceptively misleading statements in the Flyer are directed towards the quality of the accommodations, amenities and services provided by Trump Hotel Las Vegas, falsely suggesting that the Trump Hotel Las Vegas is not "good enough" for Donald J. Trump to stay at the hotel.

23. The Flyer, and the false and deceptively misleading statements contained therein was intended to cause, has caused and is causing reputational injury to Trump Hotel Las Vegas.

24. Defendants' publication of the Flyer constitutes false advertising under Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

25. Defendants knew or should have known that the Flyer contained false and deceptively misleading information regarding Trump Hotel Las Vegas, and since October 9, 2015, Defendants were fully aware that the Flyer was false and/or deceptively misleading. Yet Defendants continue to knowingly disseminate the Flyer and its false contents.

26. Trump Hotel Las Vegas has no adequate remedy at law and, if Defendants' activities are not enjoined, will continue to suffer irreparable harm and injury to its goodwill and reputation.

COUNT II

Nevada Deceptive Trade Practices

27. Trump Hotel Las Vegas repeats and re-alleges paragraphs 1 through 26 of this Complaint as if fully set forth herein.

28. Defendants' conduct constitutes deceptive trade practices, in violation of the Nevada Deceptive Trade Practices Act, N.R.S. §§ 598.0903-598.990, in that Defendants are knowingly making, among other things: (a) a false representation as to the characteristics and

1 quality of the Trump Hotel Las Vegas; (b) a false representation as to the sponsorship, approval,
2 status, affiliation or connection of a person therewith; and/or (c) a false or misleading
3 representation of fact that disparages the goods, services or business of another person.

4 29. As a result of the aforesaid acts by Defendants, Trump Hotel Las Vegas has
5 suffered and continues to suffer damages and irreparable injury which cannot be accurately
6 computed at this time.

7 30. Defendants knew or should have known that the Flyer contained false and
8 deceptively misleading information regarding Trump Hotel Las Vegas, and since October 9,
9 2015, Defendants were fully aware that the Flyer was false and/or deceptively misleading. Yet
10 Defendants continue to knowingly disseminate the Flyer and its false contents.

11 31. Unless Defendants are restrained and enjoined by this Court, said acts will be
12 continued and will continue to cause damage and irreparable injury to Trump Hotel Las Vegas,
13 the TRUMP trademark, and the general public.

14 32. Trump Hotel Las Vegas has no adequate remedy at law.

15 **PRAYER FOR RELIEF**

16 **WHEREFORE**, Trump Hotel Las Vegas respectfully prays that this Court:

17 A. Issue a temporary restraining order and a preliminary injunction:

18 1. Restraining, enjoining and prohibiting Defendants, and their respective
19 officers, agents, servants, employees, attorneys, and all other persons in active concert or
20 participation with Defendants from:

21 a. Making false and/or deceptively misleading statements of fact
22 concerning Trump Hotel Las Vegas and its relationship with Donald J. Trump; or

23 b. Falsely representing that Donald J. Trump does not stay at the
24 Trump Hotel Las Vegas or is dissatisfied with the quality of Trump Hotel Las
25 Vegas.

26 2. Requiring Defendants to account for all false and/or deceptively
27 misleading statements of fact pertaining to Trump Hotel Las Vegas and its relationship to
28 Donald J. Trump;

1 B. After a hearing on the merits, issue a permanent injunction prohibiting Defendants
2 from making the false and/or deceptively misleading statements and representations set forth
3 above;

4 C. After a hearing on the merits, grant Trump Hotel Las Vegas an award of actual
5 damages, including damages for corrective advertising, and grant Trump Hotel Las Vegas costs
6 and attorneys' fees associated with pursuing this action as a result of Defendants' unwillingness
7 to respond to Trump Hotel Las Vegas' request to cease and desist; and

8 D. Grant Trump Hotel Las Vegas such other and further relief as this Court deems to
9 be reasonable, necessary, and just.

10 **JURY DEMAND**

11 Plaintiffs hereby request trial by jury on all issues so triable.

12 Dated: this 14th day of October, 2015.

13 **LEWIS ROCA ROTHGERBER LLP**

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